

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

VICTOR NWUFOH,

Plaintiff,

vs.

DMAX, LTD.,

Defendant.

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Case No. 3:06cv317

JUDGE WALTER HERBERT RICE

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DECISION AND ENTRY SUSTAINING IN PART AND OVERRULING IN  
PART DEFENDANT'S MOTION TO DISMISS OR, IN THE ALTERNATIVE,  
MOTION FOR MORE DEFINITE STATEMENT (DOC. #6)

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The captioned Motion is overruled as to Motion to Dismiss, but sustained as to Alternative Motion for More Definite Statement, as the Complaint clearly puts Defendant on notice of the factual claims against it, claims which are within the Court's subject matter jurisdiction or its supplemental such, and the Court cannot say that Plaintiff can prove no set of facts in support of his claims under relevant state or federal law. The Defendant would replace notice pleading with its predecessors. This ruling is expressly conditioned on Plaintiff filing, within 10 days from date, a more definite statement, setting forth the specific federal and/or state statutory authority, or common law basis, under which each claim for relief is brought. A telephone conference call will be set to establish a trial date and other

dates leading to the resolution of this litigation.

September 30, 2007

/s/ Walter Herbert Rice

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record